

REMARKS

This Amendment is responsive to the Office Action dated August 29, 2008. Claims 1-8 are pending. Claims 1 and 3-7 are amended, and claims 9 and 10 were previously withdrawn. No new matter is introduced. Applicants request reconsideration of the present application in view of the foregoing amendments and the following remarks.

Independent Claim 1

Claim 1 is rejected under 35 U.S.C. § 103(a) as being obvious over U.S. Patent No. 4,450,970, to Shepherd, in view of U.S. Patent No. 5,398,468, to Erickson et al. (hereinafter “Erickson”), U.S. Patent No. 2,072,386, to Smallwood, and U.S. Patent No. 5,857,578, to Fishman. Claim 1 is amended to clarify the recited structure, and as amended recites, *inter alia*:

a front panel body having an upper end and a lower end; an upper bent section formed toward the upper end of the front panel body, and extending upwardly therefrom to define a coupling recess...; an engagement protrusion upwardly protruded from the upper end of the front panel body, the coupling recess being forwardly opened above the engagement protrusion.

In contrast, Shepherd fails to disclose (1) an engagement protrusion upwardly protruded from an upper end of a front panel body and (2) a coupling recess that is formed by an upwardly extending bent section where the recess is forwardly opened above the engagement protrusion.

It is asserted in the Office Action that Shepherd teaches a downwardly protruded engagement protrusion and that the direction of the protrusion is a matter of design choice. Applicant respectfully disagrees. “Rejections on obviousness grounds cannot be sustained by mere conclusory statements; instead, there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness.” MPEP § 2141.III; *In re Kahn*, 441 F.3d 977, 988 (Fed. Cir. 2006) (*cited by*, *KSR Int’l Co.*, 127 S.Ct. 1727 at 1740-1741). The recited structural features in claim 1 and the particular arrangement between them contribute to the claimed panel assembly’s unique functions and its versatility to be used with various accessories as compared to the cited references as discussed in more detail below. Accordingly, the recited engagement protrusion upwardly extending from an upper end of a front panel body

is not a mere substitution for the flange in Shepherd, extending downwardly from the uppermost portion of lower panels and rearwardly situated with respect to the front portion of the Shepherd panels.

The downwardly extending flange in Shepherd that the Examiner analogizes to the recited engagement protrusion in claim 1 is actually part of an upper channel 35 of a lower panel, and extends downwardly and rests in a bottom channel 36 of an upper panel, the channels 35, 36 of the two panels in combination forming a recess 50 that is completely open on its forward side. In this regard, Shepherd states, “the interengagement of the first and second channel formations 35 and 36 forms a recess, indicated generally by reference numeral 50.” *See* Shepherd, column 4, lines 33-35, and Figure 1.

As shown in all of Shepherd’s embodiments in Figures 1-5, 8 and 10, the recess 50 is completely open without an engagement protrusion as claimed, so that it can allegedly receive standard accessories without any specially designed features, as shown in Figure 11. *See* Shepherd, column 4, lines 33-35, and Figure 1. In Figure 11, two recesses 50 receive a shelf unit 70 that have flat flanges resting on the lower surfaces of the two recesses 50. Shepherd therefore discourages use of a coupling protrusion, which as recited in claim 1, is upwardly protruded from an upper end of a front panel body and a recess forwardly open above the engagement protrusion, because such a protrusion would block entry of the intended accessories in Shepherd, such as the shelf unit 70, into the fully open recesses 50.

The coupling recess and engagement protrusion are distinctly recited in claim 1, and cooperate to allow a more stable coupling of upper and lower panels, and a more versatile structure for accommodating accessories. An engagement protrusion upwardly protruded from an upper end of a front panel body and a coupling recess that is formed by an upwardly extending bent section, where the recess is forwardly opened above the engagement protrusion, as claimed, allows for easier assembly and more stable support of multiple panels and accessories. For example, in the illustrated embodiment of Figure 10a of the present application, a mounting member 70 with a hook 72 is shown. The hook 72 can be easily inserted in the forwardly opened portion of the recess and lowered to engage the upwardly protruded engagement protrusion while a vertically extending portion of the mounting member 70 is

leveraged against the front face of the front panel body 15, stably supporting the mounting member 70. The mounting member 70 can be easily inserted in place by lowering the hook 72 over the engagement protrusion, and can be removed out of the configuration shown in Figure 10a, by simply vertically lifting the mounting member 70. Furthermore, since the engagement protrusion is upwardly protruding from the upper end of the front panel body, the mounting member requires little or no rotation to allow the hook to be inserted over the engagement protrusion, allowing substantially an entire face of the hook 72 to engage the engagement protrusion.

In contrast, to stably support the shelf unit 70 shown in Figure 11 of Shepherd, two recesses 50 are shown to be utilized. This is because the downwardly extending flange of the upper channel 35 is configured to support an upwardly extending flange 71 on the shelf. If the shelf was inserted into only one of the recesses 50 and had a vertically extending flange to support it on the front face of the panel, it would be difficult to insert the shelf's upwardly extending flange 71 in recess 50, and to secure the shelf's upward flange against the downwardly extending flange of the upper channel 35. The downwardly extending flange of Shepherd is spaced rearward from the forward panel body in that patent, and therefore, the shelf flange needs to be inserted rearwardly into the recess 50. *See* Shepherd, Figure 11.

This substantially limits the range of available dimensions for the flanges of the shelf and the extent of mating contact between the shelf flange and the downwardly extending flange of channel 35. If the shelf flange is too large, it would be difficult to insert it rearwardly into recess 50, requiring substantial rotation and accurately planned insertion and removal of the shelf. This limitation is apparent in Figure 10 of Shepherd where the hook 65 has a vertical portion 68 resting against the front of the panel, and as illustrated, the hook flange 69 that engages the downwardly extending flange of the upper channel 35 is only partially mated with the hook flange 69.

As discussed above, a panel assembly according to claim 1 with an engagement protrusion extending upwardly from a front panel body allows for fast and easy assembly and disassembly of accessories, and maximizes the contact area between the upwardly protruding engagement protrusion and an engagement portion of an accessory.

Claim 1 further recites, *inter alia*:

[A] lower bent section rearwardly bent from the lower end of the front panel body ..., the prefabricated panels being vertically aligned while being coupled to one another in such a manner that the lower bent section of an upper one of the prefabricated panels vertically adjacent to each other is fitted in the coupling recess defined by the upper bent section of a lower one of the adjacent prefabricated panels.

In contrast, in Shepherd, the opposite configuration as that in claim 1 is disclosed for coupling the panels, which results in a weaker coupling, requiring welding to prevent bending of the Shepherd channels. In particular, in Shepherd, upper channels 35 of lower panels are placed in lower channels 36 of upper panels from the rear side, such that the upper panels bear the weight of lower channels pulling down on them. *See* Figures 1-5. Furthermore, as shown in Figures 1-5 of Shepherd, the upper channel 35 of a lower panel extends rearwardly beyond the lower channel 36 of the upper panel, resulting in bending of the flat horizontal flange 42 of the lower channel 36. *See e.g.* Shepherd, Figures 1-5.

This flange 42 is prone to bending because the forward end of it is rigidly supported by the front of the panel, and the upper channel 35 of a lower panel, nested in the lower channel 36, extends further rearward, applying a force toward the weaker rear end of the horizontal flange 42. *See* Figures 1-5. It is for this reason that Shepherd states, “channel formations 35 and 36 ... are held in surface-to-surface contact with one another by welding channels on the rear surface to strengthen the display panel against bending.” Shepherd, column 4, lines 10-14.

In contrast, the combination of features in claim 1 allows for optimal panel alignment and prevents, or at least minimizes the likelihood, of unwanted bending of the bent section flanges. Claim 1 states that the upper bent section extends upwardly from toward the upper end of the front panel body and forms the coupling recess. Further, the lower bent section extends rearwardly from the lower end of the front panel, and the lower bent section of an upper panel is fitted in the coupling recess of a lower panel. Since both the upper and lower bent sections extend from the front panel body and the lower bent section of an upper panel is fitted in the forwardly opened coupling recess of a lower panel, the lower bent section is inserted in the coupling recess from the forward side through the forwardly open region. *See e.g.* Present

Application, Figure 1. Therefore, the lower bent section, which exerts a force from the weight of the upper panel to the coupling recess of the lower panel does not extend rearwardly with respect to the upper bent section (*i.e.*, a rearmost portion of the lower bent section will be bound by the coupling recess). Therefore, the force from the upper panel will be applied more toward a region of the recess proximate the front panel body where the upper bent section is strong, instead of being concentrated toward a weaker rear region of the upper bent section.

The features in claim 1 read on the illustrated embodiment of Figure 1 of the present application. One of ordinary skill in the art will appreciate that such a configuration is superior, more stable and easier to assemble without requiring welding any mating surfaces, so that it is also possible and easy to disassemble.

As demonstrated above, substantial modification to the Shepherd panels is required to arrive at the features of claim 1, and the principle of operation is different between the claimed features and the Shepherd panels. If the proposed modification would change the principle of operation of the cited art, then there is no suggestion or motivation to make the proposed modification. MPEP § 2143.01.VI.

Erickson, Smallwood, and Fishman also do not disclose the assembly of panels as with features recited in claim 1, and they fail to fulfill the deficiencies in Shepherd in rendering obvious these features. Accordingly, claim 1, and claims 2-8, which are dependent from claim 1, are allowable.

Independent Claims 2-8

Applicant respectfully submits that there is no teaching, suggestion or motivation to combine the cited secondary references with those cited against claim 1, and presents some arguments with respect to the secondary references not teaching the subject matter of the dependent claims 2-8, respectively, in the discussion that follows. Applicant reserves the right to present additional arguments, which are not made here, against the secondary references cited against the particular features of dependent claims 2-8, at a later time as deemed necessary. It is respectfully submitted that these claims are allowable at least for being dependent from

independent claim 1, for reasons discussed above in support of claim 1, as well as for novel and non-obvious combinations of elements recited therein.

Dependent Claim 2

The Examiner cites JP7180324, to Hideo, against the reinforcing section recited in dependent claim 2, stating that it would have been obvious to combine this reference with Shepherd. However, Hideo's purpose is stated to be providing a fitting metal tool and fixing metal tool in vertical furring strips arranged at the outside of a building and fitting an external wall panel, fixing it from the inside of the building. Hideo, Abstract. In contrast, Shepherd is directed to a lightweight vertical display panel using thin sheet metal. *See* Shepherd, column 2, lines 24-27. Therefore, there is no motivation to combine Hideo's teachings provided in the context of permanent building construction to install an outer wall from inside, with the modular and lightweight display panel taught in Shepherd. Therefore, claim 2 is allowable on its own merits.

Dependent Claim 3

The features in amended claim 3 are rejected over Shepherd and Erickson in view of U.S. Patent No. 4,689,930, to Menchetti. Claim 3, recites, *inter alia*, "corner finishing members each adapted to finish facing longitudinal ends of the prefabricated panels arranged adjacent to each other at a corner region of the building construction." This feature was originally in claim 1, and it is asserted in the Office Action that Erickson discloses corner finishing members 24. However, reference numeral 24 in Erickson identifies side panels, not corner finishing members. *See* Erickson, Figure 1, and column 3, line 39. The side panels themselves in Erickson are connected via connectors 79, 80, which are also not corner finishing members as claimed because they do not finish facing longitudinal ends of prefabricated panels. *See* Figures 8 and 9. These two connectors 79, 80 are identical, and connector 80 is described to have a very particular structure including a web 81, flanges 83, 84, angularly disposed, ribs 88, 89, and lips 86, 87, which respectively fit within specifically designed complementary structures in the panels.

In contrast, Shepherd merely discloses a vertically arranged set of panels without any disclosure in regard to corner finishing members since in that patent, the display panels are not disclosed to have a three-dimensional structure. Therefore, there is no teaching, suggestion or motivation in Shepherd or Erickson, or in the knowledge available to one of ordinary skill in the art to take the panels of Shepherd, arrange multiple panels in a three-dimensional structure and connect them using the specific connectors 79, 80 of Erickson. The Erickson structure includes a complicated and robust set of connections to build a sturdy structure, whereas, the Shepherd patent is directed to a lightweight assembly for a display panel using thin sheet metal. *See* Erickson, Abstract, and Shepherd, column 2, lines 24-27. In particular, the Abstract of Erickson specifically addresses the particular features of the connectors, asserting that they are intended to hold the panels in a structurally stable and tight sealed engagement.

One of ordinary skill in the art exposed to Shepherd and Erickson therefore would have no apparent reason to combine the features in these two references to arrive at features of claim 3. *See KSR Int'l Co. v. Teleflex Inc., et al.*, 127 S.Ct. 1727, 1740-1741 (2007) (Often, it will be necessary for a court to look to interrelated teachings of multiple patents; the effects of demands known to the design community or present in the market place; and the background knowledge possessed by a person having ordinary skill in the art, all in order to determine whether there was an apparent reason to combine the known elements in the fashion claimed by the patent at issue) (emphasis added).

Claim 3, further recites, *inter alia*:

[E]ach of the corner finishing members has ... a pair of outer extensions ... a pair of inner extensions ... and a pair of outer claws protruded outwardly from the inner extensions, respectively, whereby the corner finishing member is coupled with the facing longitudinal ends of the prefabricated panels in such a manner that the facing longitudinal ends of the prefabricated panels are fitted between the outer extensions and the outer claws associated therewith, respectively.

The Examiner cites to the corner trims 54 of Menchetti, asserting that it teaches the claws and extensions of the corner finishing members recited in claim 3. The cited corner trim 54 of Menchetti, however, is an outside corner trim and does not finish facing longitudinal ends of prefabricated panels. *See* Menchetti, column 2, line 56, and Figure 1. There is an entirely different inside corner trim 46 in Menchetti, which has flanges on the inner walls and

does not have the features of claim 3. *See* Menchetti, column 2, lines 55-60. In fact the outside and inside corner trims 54, 46 in Menchetti need to be stabilized themselves by “means for holding [them].” *See* Menchetti, column 2, lines 55-60, and Figure 1.

Furthermore, the Examiner compares the grooves 60 on Menchetti’s outside corner trim 54, to the claws of the corner finishing members of claim 3, and the outer flanges of Menchetti’s corner trim 54, to the outer extensions recited in claim 3. However, facing longitudinal ends of the Menchetti panels are not fitted between outer flanges of the outer corner trim 54 and the grooves 60. Claim 3 specifically recites, “the facing longitudinal ends of the prefabricated panels are fitted between the outer extensions and the outer claws associated therewith, respectively.” In contrast, the grooves 60 in Menchetti simply engage complementary grooves 62 of flange 56 of the clip 52. *See* Menchetti, Figure 1. Accordingly, Menchetti fails to teach or suggest the corner finishing member features recited in claim 3.

Furthermore, there is no motivation to combine Menchetti with Shepherd for reasons similar to those discussed above with respect to why there is no motivation to combine Shepherd with Hideo. Menchetti is a multi-dimensional structure with spaced parallel partition walls and incorporates multiple complicated clips and fittings and uses numerous mechanical fasteners to assemble the structure disclosed therein. In contrast, Shepherd is an assembly of vertically aligned panels made from thin sheet metal. Accordingly, claim 3 is also allowable on its own merits.

Dependent Claim 4

Claim 4 further recites, *inter alia*, panel connecting members each adapted to couple facing longitudinal ends of the prefabricated panels longitudinally aligned while being adjacent to each other to define a junction therebetween.” The Examiner asserts that Smallwood discloses such connectors, citing to numeral 5 in Smallwood and asserting that it would have been obvious to combine Smallwood and Shepherd. However, there is no teaching, suggestion or motivation to combine Shepherd with Smallwood because Smallwood is directed to construction of houses and buildings, and the cited curved parts 5 are positioned between concrete slabs 1 and mechanically fastened to a third structure, namely, internal furring strips 7.

See Smallwood, p. 1, lines 3-39, and Figure 2 and 7. A person of ordinary skill in the art therefore would have no apparent reason to combine any feature of Smallwood with the display panel taught in Shepherd.

Claim 4 further recites, *inter alia*:

[E]ach of the panel connecting members has a T-shaped body having a horizontal portion and a vertical portion extending vertically, at one end thereof, from a central position of the horizontal portion, and a pair of coupling claws extending inclinedly outwardly from the other end of the vertical portion in the T-shaped body toward the horizontal portion of the T-shaped body at opposite sides of the vertical portion.

In the Office Action, the intersection 76 with face trim 118 of Menchetti is asserted to teach the connecting members of claim 4, and that ratchets on arm 116 disclose inclinedly outward claws recited in claim 4. Applicant respectfully disagrees. The ratchets on arm 116 are positioned in the intermediate region of the corresponding inward flanges 116 of intersection 76 in Menchetti. Therefore, the ratchets on arms 116 are not inclinedly outwardly extending from an end of the flange opposing its end that is attached to the face 118, as is claimed with respect to the vertical portion in claim 4. See Menchetti, Figure 4. Additionally, in contrast to the language in claim 4 with respect to the vertical portion, the arms 116 of intersection 76 in Menchetti do not extend from a central position of a horizontal portion. The Menchetti inward flanges extend from toward opposing ends of the flat face trim 118. See Menchetti, Figure 4.

Claim 4 further recites, *inter alia*, “the facing longitudinal ends of the junction-defining prefabricated panels are fitted between the horizontal portion of the T-shaped body and the coupling claws associated therewith, respectively.” In contrast, the panels 70, 74 in Menchetti are not fitted between the flat face trim 118 and ratchets on arm 116; rather arm 116 ratchets simply engage complementary ratchets on arm 114 on the clip 78. See Menchetti, column 3, lines 36-42, and Figure 4. These distinguishing features of claim 4 allow expedient yet sturdy assembly and disassembly of the claimed prefabricated panels without the need for excess fasteners. Moreover, as discussed above, there is no teaching, suggestion or motivation to combine Shepherd with Menchetti. Claim 4 is therefore allowable on its own merits.

Dependent Claim 5

Claim 5 is rejected based on the assertion that U.S. Patent 4,127,974, to Wendt teaches the inclinedly extending coupling claw of the L-shaped end finishing member of claim 5. Claim 5 however recites, “a coupling claw extending inclinedly from a substantially intermediate position of the vertical portion in the inverted L-shaped body toward the horizontal portion of the inverted L-shaped body.” In contrast, flange 25 of the outer corner finishing piece 17 of Wendt is not inclined; it is horizontal. In addition, the arrow shaped end does not extend from an intermediate portion of the member. Furthermore, there is no teaching, suggestion or motivation to modify Shepherd with any feature of Wendt because Wendt is directed to heavy building construction including multiple walls at an angle with respect to each other, while Shepherd is directed to vertically aligned display panels using thin sheet metal. Accordingly, Claim 5 is allowable on its own merits.

Dependent Claim 6

Claim 6 recites, *inter alia*, “each of the upper end finishing members has an S-shaped body having upper and lower bent portions, and a coupling claw extending inclinedly inwardly from an outer tip of the upper bent portion.” It is asserted in the Office Action that U.S. Patent No. 4,531,331, to Itagaki discloses these features. However, as clearly apparent in Figure 1 of Itagaki, the top cover member 10 of Itagaki is not S-shaped. Furthermore, the member 10 does not have a claw extending inclinedly inwardly. The Examiner recognizes that the flange of member 10 cited in the Office action is bent at 90 degrees. Therefore, this flange cannot possibly be inclined or inward as it is simply downwardly vertical. Accordingly, Itagaki fails to disclose the features in claim 6, and claim 6 is also allowable on its own merits.

Dependent Claim 7

Claim 7 recites, *inter alia*:

[E]ach of the lower end finishing members has an inverted S-shaped body having an upper bent portion defining a forwardly-opened coupling recess, and an engagement protrusion upwardly protruded from an upper end of the inverted S-

shaped body ... the lower bent section of the associated lowermost prefabricated panel is fitted in the coupling recess of the lower end finishing member

The Examiner summarily concludes that since claim 6 features are allegedly obvious, which they are not as demonstrated above, it would have been obvious to combine Shepherd with the top cover 10 of Shepherd to arrive at the lower end finishing member of claim 7. However, as stated further above, “[r]ejections on obviousness grounds cannot be sustained by mere conclusory statements; instead, there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness.” MPEP § 2141.III; *In re Kahn*, 441 F.3d 977, 988 (Fed. Cir. 2006) (*cited by*, *KSR Int’l Co.*, 127 S.Ct. 1727 at 1740-1741).

Here in particular, Itagaki does not disclose a lower finishing member, and certainly does not teach or suggest an inverted S-shaped lower end finishing member with an upper bent portion that defines a forwardly-opened coupling recess in which a lower bent section of a lowermost panel is fitted. Accordingly, claim 7 is also allowable on its own merits.

Dependent Claim 8

Claim 8 recites, *inter alia*:

[D]isplay panel mounting members having a hook adapted to be engaged with the engagement protrusion of the prefabricated panel to be coupled with the display panel mounting member, a fitting portion for fitting an end of the display panel therein, and a support portion for supporting the end of the display panel fitted in the fitting portion.

The Office Action asserts that U.S. Patent No. 5,941,026, to Eisenreich et al. (hereinafter “Eisenreich”) teaches these features, referencing Figure 1 of Eisenreich. However, Figure 1 of Eisenreich does not illustrate the particular features recited in claim 8, and the Office Action does not provide any support for Eisenreich disclosing these features. Figure 5 of Eisenreich however illustrates how the shelves in Eisenreich are mounted, and the illustrated configuration suffers from the same drawbacks of the Shepherd structure, discussed above with respect to the Shepherd shelf unit 70. In particular, as shown in Figure 5 of Eisenreich, the shelf structure 18 engages a downwardly extending flange of the Eisenreich panels; in contrast, as discussed above with respect to claim 1, the claimed engagement protrusion is upwardly extending, and claim 8 refers to the same protrusion.

Therefore, the mounting member of claim 8 combined with features of claim 1 has the advantages with respect to ease of assembly and disassembly, and stability, discussed further above with respect to how the claimed engagement protrusion is configured to support a mounting member. Accordingly, claim 8 is also allowable on its own merits.

All of the claims remaining in the application are now allowable. Favorable consideration and a Notice of Allowance are earnestly solicited.

The Director is authorized to charge any additional fees due by way of this Amendment, or credit any overpayment, to our Deposit Account No. 19-1090.

Respectfully submitted,
SEED Intellectual Property Law Group PLLC

/Nima A. Seyedali/
Nima A. Seyedali
Registration No. 61,293

NAS:jrh

701 Fifth Avenue, Suite 5400
Seattle, Washington 98104
Phone: (206) 622-4900
Fax: (206) 682-6031

1229687_1.DOC